

**REMARKS**

**Status of Claims**

Claims 1 to 6, 11, 12, 15-28, 30 and 31 were pending. Claims 1, 11, 15, 26, 28 and 30 have been amended as shown above. Claims 5, 6, 16, 17, 19, 20, 22 to 25 and 27 have been canceled, without prejudice or disclaimer. Thus, claims 1-4, 11, 12, 15, 18, 21, 26, 28, 30 and 31 are pending as shown above.

**Restriction Requirement**

The previously pending claims were subject to restriction as between 21 allegedly distinct Groups. (Restriction Requirement, page 2). In support of the Restriction Requirement, it was alleged that there is no single general inventive concept under PCT Rule 13.1 and Rule 13.2 because WO 02/02606 discloses a polypeptide comprising an amino acid sequence as presented in instant SEQ ID NO:54.

As correctly noted by the Examiner, the subject application is a National Phase filing of PCT/US2005/006588, filed under 35 U.S.C. § 371. Accordingly, questions of unity must be resolved using the criteria of Rule 13 of the Patent Cooperation Treaty (P.C.T.). Pursuant to Rule 13.2 and 37 C.F.R. § 1.475(a), the special technical feature must define a feature that makes a contribution, as a whole, over the prior art.

The claims as amended are drawn to compositions and methods involving a polypeptide as shown in SEQ ID NO:55 or SEQ ID NO:86. Therefore, Applicants submit that unity of invention is present because the sequences as now claimed are not present in WO 2002/02606. In particular, SEQ ID NO:55 includes at least 6 additional N-terminal amino acids not disclosed in WO 2002/02606 (e.g., SEQ ID NO:125). Similarly, SEQ ID NO:86 includes at least 57 additional N-terminal amino acids as compared to SEQ ID NO:125 of WO 2002/02606. As such, all of the claims share a special technical feature not taught or suggested by the prior art and unity of invention is present.

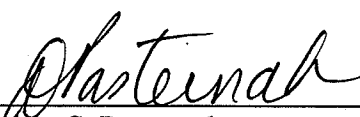
Solely to comply with requirement of 37 C.F.R. § 1.143, Applicants elect Group I, SEQ ID NO:55, with traverse.

Please direct all further communications regarding this application to:

Silvia Brazzini  
NOVARTIS VACCINES AND DIAGNOSTICS, INC.  
Intellectual Property – R338  
P. O. Box 8097  
Emeryville, CA 94662-8097  
Customer No: 27476

Respectfully submitted,

Date: June 5, 2008

By:   
Dahnna S. Pasternak  
Registration No. 41,411  
Attorney for Applicant

NOVARTIS VACCINES AND DIAGNOSTICS, INC.  
Intellectual Property – R338  
P. O. Box 8097  
Emeryville, CA 94662-8097  
Tel.: (650) 493-3400; Fax: (650) 493-3440